

**IN THE DISTRICT COURT OF THE UNITED STATES  
FOR THE WESTERN DISTRICT OF NORTH CAROLINA  
CHARLOTTE DIVISION**

**CIVIL NO. 3:98CV394**

**CALVIN R. LUCKEY, and wife PEGGY )**

**G. LUCKEY, *et al.*, )**

**This document relates to: )**

**J. AUBREY SAUNDERS, and wife )**

**GEORGIA SMITH SAUNDERS, )**

**Plaintiffs, )**

**Vs. )**

**ORDER**

**A. W. CHESTERTON, INC., *et al.*, )**

**Defendants. )**

**THIS MATTER** is before the Court on the motion of Ward Black Law to withdraw as attorneys of record for the above captioned Plaintiffs.

By Order entered January 12, 2007, the undersigned noted that the Plaintiffs had advised the Ward Black firm that they were retaining the law firm of Wallace & Graham. As a result, the undersigned provided 30 days within which the Wallace & Graham firm should file notice of appearance. No such notice has been filed.

The trial date for the next grouping of Plaintiffs is fast approaching and it is unfair to require the Ward Black firm to continue to represent clients who have expressed their intention of retaining other counsel. As a result, the Ward Black firm will be allowed to withdraw.

**IT IS, THEREFORE, ORDERED** that the motion to withdraw is hereby **GRANTED** and Ward Black Law is hereby relieved of any duties of representation for Plaintiffs Aubrey and Georgia Saunders.

**IT IS FURTHER ORDERED** that on or before 15 days from entry of this Order, the captioned Plaintiffs, Aubrey and Georgia Saunders, shall make a written filing with the Court of the following information: (1) whether they have retained new counsel; and, in the event that they have done so, the name of that counsel; (2) in the event that the Plaintiffs have retained new counsel, they shall advise that counsel to file notice of appearance in this Court on or before 15 days from entry of this Order; and (3) in the event that the Plaintiffs have not retained new counsel, whether they intend to dismiss their action or proceed in a *pro se* capacity.

These Plaintiffs are further advised that failure to respond as required by this Order will result in the summary dismissal of their claims herein.

Signed: February 25, 2007

A handwritten signature in dark ink, appearing to read "L. H. Thornburg", written over a horizontal line.

Lacy H. Thornburg  
United States District Judge

